

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DUSTIN MARK MACOLOR,

Plaintiff,

-vs-

RHANDY R. LIBIRAN, AMERICAN MANPOWER
RESOURCE PROVIDER INC., MICHAEL URBINO, :
AXIS POINT ALTERNATIVE SOLUTIONS, INC., :
and AMERICAN HEALTHCARE FACILITY :
MANAGEMENT GROUP, INC., :

Defendants.
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: 14 Civ. 4555 (JMF)

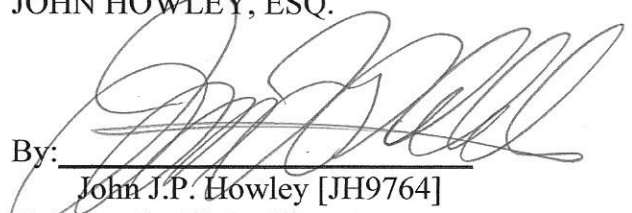
: NOTICE OF MOTION
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PLEASE TAKE NOTICE that, upon the annexed Declaration of John J.P. Howley, the exhibits annexed thereto, the accompanying memorandum of law, and all prior proceedings had herein, plaintiff will move this Court, on January 30, 2015, or as soon thereafter as counsel may be heard, for an order, pursuant to the Court's December 19, 2014 Order and Rule 37 of the Federal Rules of Civil Procedure, granting the following discovery sanctions against defendants: (a) precluding defendants from introducing any evidence from any witness who was not identified in their Rule 26(a) disclosures, including former employees Liza Fagarita and Joao Miranda; (b) precluding defendants from introducing any evidence of any costs, expenses, or lost profits; (c) directing the factfinder to accept as established fact that defendants did not incur any costs, expenses, or lost profits; (d) ordering defendants to pay plaintiff's costs and attorney's fees in connection with this motion; and (e) granting such other relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, must be served and filed no later than January 27, 2015.

Dated: New York, New York
January 20, 2015

JOHN HOWLEY, ESQ.

By: 
John J.P. Howley [JH9764]

Attorney for Plaintiff
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